

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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TEVA PHARMACEUTICALS USA, INC.,  
et al.,

Plaintiffs/Counterclaim Defendants,

v.

FOREST LABORATORIES, LLC., et al.,

Defendants/Counterclaim Plaintiffs.

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) Civil Action No. 13-2002-GMS  
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**JURY TRIAL DEMANDED**  
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**STIPULATION AND ORDER**

Plaintiffs Teva Pharmaceuticals USA, Inc. (“Teva”) and Mayne Pharma International Pty Ltd. (“Mayne”) (collectively, “Plaintiffs”) and Defendants Forest Laboratories, LLC (f/k/a Forest Laboratories, Inc.) and Forest Pharmaceuticals, Inc. (collectively, “Defendants” or “Forest”) have agreed to terms and conditions setting forth a negotiated settlement of this action. Now the parties, having consented and stipulated to the entry of this Stipulation and Order of Dismissal, as follows:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

1. This Court has subject matter jurisdiction over the above-captioned patent infringement action (the “Action”) and personal jurisdiction over Plaintiffs and Defendants for purposes of the Action. Venue is proper in this Court as to Plaintiffs and Defendants for purposes of the Action.

2. In the Action, Plaintiffs have asserted claims against Forest for infringement of U.S. Patent No. 6,194,000 (“the ’000 Patent” or “the Patent in Suit”) in connection with

Forest's making, importing, selling, offering for sale and/or selling Namenda XR® capsule products containing 7, 14, 21, and 28 milligrams of Memantine hydrochloride.

3. In response to Plaintiffs' claims of patent infringement, Forest has alleged certain defenses and counterclaims, including that the Patent in Suit is invalid and/or not infringed by the making, using, selling, or offering to sell within the United States, or importing into the United States, of the Namenda XR® capsule products containing 7, 14, 21, and 28 milligrams of Memantine hydrochloride.

4. The parties have now reached a settlement agreement regarding the Patent in Suit.

5. In view of the parties' settlement, the parties have agreed to forego any further litigation involving their respective assertions of infringement and/or invalidity;

6. All other remaining claims, defenses, and counterclaims set forth in Plaintiffs' and Defendants' pleadings against each other in the Action, including the allegations and averments contained therein, are hereby dismissed, with prejudice.

7. Plaintiffs and Defendants each expressly waive any right to appeal this Stipulation And Order. Each party shall bear its own fees and costs.

8. This Court retains jurisdiction over Plaintiffs and Defendants for purposes of enforcing this Stipulation And Order.

9. This Stipulation And Order shall finally resolve the Action between Plaintiffs and Defendants.

10. The Clerk of the Court is directed to enter this Stipulation And Order in the above-captioned Action, and thereby terminate the Action, forthwith.

Respectfully submitted,

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MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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Dated: July 22, 2016  
1229704 / 40539

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*Attorneys for Defendant Forest Laboratories,  
Inc. and Forest Pharmaceuticals, Inc.*

**SO ORDERED:**

*This \_\_\_\_\_ day of \_\_\_\_\_, 2016*

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HONORABLE GREGORY M. SLEET  
U.S. DISTRICT JUDGE